

***Response to Amendment***

1. This office action is responsive to the amendment filed on March 13<sup>th</sup>, 2008.  
Claims 1-3 and 6-12 are presented for the examination where as claims 4-5 have been cancelled.

***Response to Arguments***

2. Applicant's arguments filed March 13<sup>th</sup>, 2008 have been fully considered but they are not persuasive. As per arguments filed, applicant argues in substance that:
  - a. None of the references either alone or when combined together disclose or suggest Applicant's construction for the decompressor as having two decryptors and a decoder in the fashion now more clearly defined in amended claim 1.

In response to applicant argument a), Aarnio discloses an On-line subscription method providing an online music-data-providing system via a Bluetooth headset, comprising: a music-data-providing server for providing music data on line through a network (Abstract, column 1, line 55 – column 2, line 2); a mobile communication system connected to the network (column 2, lines 16-18); a mobile station for wirelessly accessing the mobile communication system, and performing the Bluetooth protocol for short range links (see figure 2, block 26 Bluetooth communicating with block 28 Terminals, column 3, line 15 – column 4, line 9); and a Bluetooth device, having a Bluetooth function for performing the Bluetooth protocol, for performing short range radio links by the Bluetooth protocol to the mobile station, receiving the music data from

the music-data-providing server through the mobile station, reproducing them, and outputting them(see figure 2, block 26 Bluetooth communicating with block 28 Terminals, column 3,line 15 – column 4, line 9).

Aarnio discloses Bluetooth devices, however Aarnio failed to disclose that Bluetooth device being a headset installed in a vehicle.

Palermo teaches a headset (see Figure 3, column 1, and lines 31-56).

Treyz in view of Aarnio teaches that Bluetooth device is installed in a vehicle (applied to audio devices other than radio such as automobile personal computer, personal computer with audio cards and speaker, see column 8, lines 25-40, column 9, line 66 – column 10, line 24) and Treyz in view of Palermo the Bluetooth headset comprises: a Bluetooth communication unit for performing short range radio links by the Bluetooth protocol to the mobile station (see column 9, line 66 – column 10, line 24 and Figure 2) and the decompressor [inherent communication circuitry] decompresses the music data in real-time while receiving the music data from the mobile station and outputs them to the audio output unit when the music data are streaming music data (Figure 4, column 14, lines 24-35).

Schindler teaches a decompressor for decoding the music data received from the mobile station through the communication unit, and decompressing them (see Figures 4, block 412, 416); an audio output unit (see Figures 3, block 338 and 340) for processing the music data decompressed by the decompressor, reproducing them, and outputting them so that a user may listen to them through a plurality of speakers; the decompressor comprises: a first decryptor [Figure 5, block 530, 510, 512] for

decompressing streaming music data; a decoder for decoding general music data; and a second decryptor [Figure 5, block 530, video decoder decoding video and audio signals blocks 544, 546, 548] for decompressing the music data decoded by the decoder (see Figure 3-7 and 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide apparatus and methods for receiving audio content, typically in the form of files, from a network such as playing the downloaded audio content over the regular radio or stereo located within a vehicle that provides high quality sound to the wireless Bluetooth headset located within the vehicle that outputs audio and content transferred from the radio or stereo to the wireless Bluetooth headset wherein the Bluetooth wireless headset installed in a vehicle efficiently enable users or drivers to make and receive calls with minimal physical and cognitive interaction.

In response to applicant's argument a) that Bluetooth device installed in the vehicle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. As claims merely disclose about the Bluetooth installed in the vehicle and mostly focus on Bluetooth components such as Bluetooth short range performance, decompressor for decoding, an audio output for outputting and a decryptor for decompressing. One having ordinary skill in the art would recognize that the disclosed claims are directed for intended use, however, based on what is disclosed in a claim, the claims lack what features are important to distinguish between the regular Bluetooth device and Bluetooth device

installed in the vehicle. If the prior art structure is capable of performing the intended use, then it meets the claim.

b. Applicant continues to argue that “it is always obvious to recreate an invention using hindsight obtained from a reading of the patent specification and such hindsight reconstruction is not permissible.”

In response to applicant's argument b) that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). As claims merely disclose about the Bluetooth installed in the vehicle and mostly focus on Bluetooth components such as Bluetooth short range performance, decompressor for decoding, an audio output for outputting and a decryptor for decompressing. One having ordinary skill in the art would recognize that the disclosed claims are directed for intended use, however, based on what is disclosed in a claim, the claims lack important features to distinguish between the regular Bluetooth device and Bluetooth device installed in the vehicle. Also, In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the

obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991). Therefore, the rejection under 35 U.S.C 103(a) is maintained as applicant arguments presented before this office action is not persuasive.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio U.S. Patent Number 7,010,500 B2 (hereinafter Aarnio) in view of Palermo et al. U.S. Patent Number 5,771,438 (hereinafter Palermo), Schindler et al. U.S. Patent Number 5,838, 384 (hereinafter Schindler) and further in view of Treyz et al. U.S. Patent Number 6,678,215 B1 (hereinafter Treyz).

As per claim 1, Aarnio discloses an online music-data-providing system via a Bluetooth headset, comprising: a music-data-providing server for providing music data on line through a network (Abstract, column 1, line 55 – column 2, line 2); a mobile communication system connected to the network (column 2, lines 16-18); a mobile station for wirelessly accessing the mobile communication system, and performing the Bluetooth protocol for short range links (see figure 2, block 26 Bluetooth communicating with block 28 Terminals, column 3, line 15 – column 4, line 9); and a Bluetooth device, having a Bluetooth function for

performing the Bluetooth protocol, for performing short range radio links by the Bluetooth protocol to the mobile station, receiving the music data from the music-data-providing server through the mobile station, reproducing them, and outputting them(see figure 2, block 26 Bluetooth communicating with block 28 Terminals, column 3,line 15 – column 4, line 9).

Aarnio discloses Bluetooth devices However Aarnio failed to disclose that Bluetooth device being a headset installed in a vehicle.

Palermo teaches a headset (see Figure 3, column 1, and lines 31-56).

Treyz in view of Aarnio teaches that Bluetooth device is installed in a vehicle (applied to audio devices other than radio such as automobile personal computer, personal computer with audio cards and speaker, see column 8, lines 25-40, column 9, line 66 – column 10, line 24) and Treyz in view of Palermo the Bluetooth headset comprises: a Bluetooth communication unit for performing short range radio links by the Bluetooth protocol to the mobile station (see column 9, line 66 – column 10, line 24 and Figure 2) and the decompressor [inherent communication circuitry] decompresses the music data in real-time while receiving the music data from the mobile station and outputs them to the audio output unit when the music data are streaming music data (Figure 4, column 14, lines 24-35).

Schindler teaches a decompressor for decoding the music data received from the mobile station through the communication unit, and decompressing them (see Figures 4, block 412, 416); an audio output unit (see Figures 3, block

338 and 340) for processing the music data decompressed by the decompressor, reproducing them, and outputting them so that a user may listen to them through a plurality of speakers; the decompressor comprises: a first decryptor [Figure 5, block 530, 510, 512] for decompressing streaming music data; a decoder for decoding general music data; and a second decryptor [Figure 5, block 530, video decoder decoding video and audio signals blocks 544, 546, 548] for decompressing the music data decoded by the decoder (see Figure 3-7 and 12).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide apparatus and methods for receiving audio content, typically in the form of files, from a network such as playing the downloaded audio content over the regular radio or stereo located within a vehicle that provides high quality sound to the wireless Bluetooth headset located within the vehicle that outputs audio and content transferred from the radio or stereo to the wireless Bluetooth headset wherein the Bluetooth wireless headset installed in a vehicle efficiently enable users or drivers to make and receive calls with minimal physical and cognitive interaction.

As per claim 2, Trezz teaches comprising a microphone for receiving an external voice and outputting a corresponding voice signal, for processing the voice signal output through the microphone and outputting the same (see Figure 4); and a controller for controlling the Bluetooth communication unit, the decompressor, the audio output unit, and the voice coder to control the whole

operation of the headset(see Figure 4, column 8, lines 34-46, column 12, lines 46-55, column 14, lines 24-35).

However Treyz is silent about a decompressor for decoding the music data received from the mobile station through the Bluetooth communication unit, and decompressing them and a voice coder.

Schindler teaches a voice coder (see Figures 3-7 and 12, Figures 5 and 12 include audio decoder).

As per claim 3, Treyz teaches the music-data-providing server provides streaming music data and general music data, and the decompressor determines types of the music data provided by the music-data-providing server to perform a decompression operation (see column 9, lines 8-34).

As per claim 6, Schindler teaches the audio output unit comprises: a D/A converter (Figures 5-6, blocks 622, 640) for converting the music data decompressed by the decompressor into analog signals; and an amplifier (Figure 6, block 616, 646, Figure 3, blocks 338, 340) for amplifying the analog signals output by the D/A converter and outputting them to the speaker (see figure 12).

As per claim 7, Aarnio teaches the mobile station comprises: a wireless transmitting and receiving unit for receiving the music data from the music-data-providing server through radio links to the mobile communication system (see Figure 2, blocks 20 and 32 server, and block 25 mobile and wireless network for communication); a user interface for receiving a user instruction, outputting it, and displaying predetermined information to the user (inherits in mobile terminal



and see figure 3 for user command instruction in block 108, 109, and 116 of Figure 3, decision making commands); a Bluetooth communication unit for performing short range radio links by the Bluetooth protocol to the Bluetooth headset(see column 3, line 50 – column 4, line 9); and a controller for controlling [inherits in mobile terminal, 28 and 25 of Figure 2] the wireless transmitting and receiving unit, the user interface, and the Bluetooth communication unit to control the whole operation of the mobile station(see column 3, line 50 – column 4, line 9).

As per claim 12, Aarnio in view of Palermo teaches the Bluetooth headset may call another Bluetooth headset located in the vicinity of the Bluetooth headset (Bluetooth headset communicating to the wireless devices in short range distance).

5. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aarnio U.S. Patent Number 7,010,500 B2 (hereinafter Aarnio) in view of Palermo et al. U.S. Patent Number 5,771,438 (hereinafter Palermo), Schindler et al. U.S. Patent Number 5,838, 384 (hereinafter Schindler), Treyz et al. U.S. Patent Number 6,678,215 B1 (hereinafter Treyz) and further in view of Chen U.S. Patent Number 5,974,333 (hereinafter Chen).

As per claim 8, Aarnio, Palermo, Schindler and Treyz discloses Bluetooth headset receiving data from music data providing server.

However, Aarnio, Palermo, Schindler and Treyz failed to disclose the Bluetooth headset temporarily or completely stops reproducing the predetermined music data, and performs a hands-free function on the mobile station.

As per claim 8, Chen in view of Aarnio and Treyz discloses the Bluetooth headset temporarily or completely stops reproducing the predetermined music data, and performs a hands-free function on the mobile station (see column 4, lines 31- 58).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide apparatus and methods for receiving audio content, typically in the form of files, from a network such as playing the downloaded audio content over the regular radio or stereo located within a vehicle that provides high quality sound to the wireless Bluetooth headset located within the vehicle that outputs audio and content transferred from the radio or stereo to the wireless Bluetooth headset wherein the Bluetooth wireless headset installed in a vehicle efficiently enable users or drivers to make and receive calls with minimal physical and cognitive interaction.

As per claim 9, Chen discloses the temporarily stopped music data are reproduced again after the external telephone call is finished (column 4, lines 31- 58).

As per claim 10 Aarnio, Palermo, Schindler and Treyz discloses an external voice call access request is provided to the mobile station while the

Bluetooth headset receives predetermined music data from the music-data-providing server.

However, Aarnio, Palermo, Schindler and Treyz failed to disclose the Bluetooth headset temporarily or completely stops reproducing the predetermined music data, and performs a hands-free function on the mobile station.

Chen in view of Aarnio and Treyz discloses the Bluetooth headset temporarily or completely stops reproducing the predetermined music data, and performs a hands-free function on the mobile station (see column 4, lines 31-58).

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to provide apparatus and methods for receiving audio content, typically in the form of files, from a network such as playing the downloaded audio content over the regular radio or stereo located within a vehicle that provides high quality sound to the wireless Bluetooth headset located within the vehicle that outputs audio and content transferred from the radio or stereo to the wireless Bluetooth headset wherein the Bluetooth wireless headset installed in a vehicle efficiently enable users or drivers to make and receive calls with minimal physical and cognitive interaction.

As per claim 11, Chen discloses the temporarily stopped music data are reproduced again after the external telephone call is finished (column 4, lines 31-58).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Portable telephone terminal apparatus for receiving data and data receiving method therewith by Masatoshi Saito U.S. Patent Number 6,658,247.

b. Wireless provision of audio content by Gershon Kandler U.S. Patent Number 7,116,939 B1.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2151

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